

*Jay C. Rockefeller*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

**S. 3217**

**AMENDMENT NO 3886**

To print	By <u>Rockefeller</u>	by
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c	To: _____	the
t	<u>5.3217</u>	con-
s	<u>6</u>	and
f	Page(s)	

GPO: 2008 45-603 (mae)

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Rockefeller

*(for himself)  
Edson Byrne*

Viz:

- 1 At the end of subtitle A of title IX, add the following:
- 2 **SEC. 919C. REPORTING REQUIREMENTS REGARDING COAL**
- 3 **OR OTHER MINE SAFETY.**
- 4 (a) REPORTING MINE SAFETY INFORMATION.—Each
- 5 issuer that is required to file reports pursuant to section
- 6 13(a) or 15(d) of the Securities Exchange Act of 1934
- 7 (15 U.S.C. 78m, 78o) and that is an operator, or that

1 has a subsidiary that is an operator, of a coal or other  
2 mine shall include, in each periodic report filed with the  
3 Commission under the securities laws on or after the date  
4 of enactment of this Act, the following information for the  
5 time period covered by such report:

6 (1) For each coal or other mine of which the  
7 issuer or a subsidiary of the issuer is an operator—

8 (A) the total number of violations of man-  
9 datory health or safety standards that could  
10 significantly and substantially contribute to the  
11 cause and effect of a coal or other mine safety  
12 or health hazard under section 104 of the Fed-  
13 eral Mine Safety and Health Act of 1977 (30  
14 U.S.C. 814) for which the operator received a  
15 citation from the Mine Safety and Health Ad-  
16 ministration;

17 (B) the total number of orders issued  
18 under section 104(b) of such Act (30 U.S.C.  
19 814(b));

20 (C) the total number of citations and or-  
21 ders for unwarrantable failure of the mine oper-  
22 ator to comply with mandatory health or safety  
23 standards under section 104(d) of such Act (30  
24 U.S.C. 814(d));

1 (D) the total number of flagrant violations  
2 under section 110(b) of such Act (30 U.S.C.  
3 820(b));

4 (E) the total number of imminent danger  
5 orders issued under section 107(a) of such Act  
6 (30 U.S.C. 817(a)); and

7 (F) the total dollar value of proposed as-  
8 sessments from the Mine Safety and Health  
9 Administration under such Act (30 U.S.C. 801  
10 et seq.).

11 (2) A list of such coal or other mines that re-  
12 ceive written notice from the Mine Safety and  
13 Health Administration of—

14 (A) a pattern of violations of mandatory  
15 health or safety standards that are of such na-  
16 ture as could have significantly and substan-  
17 tially contributed to the cause and effect of coal  
18 or other mine health or safety hazards under  
19 section 104(e) of such Act (30 U.S.C. 814(e));  
20 or

21 (B) the potential to have such a pattern.

22 (3) Any pending legal action before the Federal  
23 Mine Safety and Health Review Commission involv-  
24 ing such coal or other mine.

1 (b) REPORTING SHUTDOWNS AND PATTERNS OF  
2 VIOLATIONS.—Beginning on and after the date of enact-  
3 ment of this Act, each issuer that is an operator, or that  
4 has a subsidiary that is an operator, of a coal or other  
5 mine shall file a current report on Form 8-K (or any suc-  
6 cessor form), as required by the Commission, disclosing  
7 the following regarding each coal or other mine of which  
8 the issuer or subsidiary is an operator:

9 (1) The receipt of an imminent danger order  
10 issued under section 107(a) of the Federal Mine  
11 Safety and Health Act of 1977 (30 U.S.C. 817(a)).

12 (2) The receipt of written notice from the Mine  
13 Safety and Health Administration that the coal or  
14 other mine has—

15 (A) a pattern of violations of mandatory  
16 health or safety standards that are of such na-  
17 ture as could have significantly and substan-  
18 tially contributed to the cause and effect of coal  
19 or other mine health or safety hazards under  
20 section 104(e) of such Act (30 U.S.C. 814(e));  
21 or

22 (B) the potential to have such a pattern.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion shall be construed to affect any obligation of a person  
25 to make a disclosure under any other applicable law in

1 effect before, on, or after the date of enactment of this  
2 Act.

3 (d) COMMISSION AUTHORITY.—

4 (1) ENFORCEMENT.—A violation by any person  
5 of this section, or any rule or regulation of the Com-  
6 mission issued under this section, shall be treated  
7 for all purposes in the same manner as a violation  
8 of the Securities Exchange Act of 1934 (15 U.S.C.  
9 78a et seq.) or the rules and regulations issued  
10 thereunder, consistent with the provisions of this  
11 section, and any such person shall be subject to the  
12 same penalties, and to the same extent, as for a vio-  
13 lation of such Act or such rules or regulations.

14 (2) RULES AND REGULATIONS.—The Commis-  
15 sion is authorized to issue such rules or regulations  
16 as are necessary or appropriate for the protection of  
17 investors and to carry out the purposes of this sec-  
18 tion.

19 (e) DEFINITIONS.—In this section—

20 (1) the terms “issuer” and “securities laws”  
21 have the meaning given the terms in section 3 of the  
22 Securities Exchange Act of 1934 (15 U.S.C. 78e);

23 (2) the term “coal or other mine” means a coal  
24 or other mine, as defined in section 3 of the Federal  
25 Mine Safety and Health Act of 1977 (30 U.S.C.

1       802), that is subject to the provisions of such Act  
2       (30 U.S.C. 801 et seq.); and  
3       (3) the term “operator” has the meaning given  
4       the term in section 3 of the Federal Mine Safety and  
5       Health Act of 1977 (30 U.S.C. 802).